

## **New pool drain laws strict but enforcement yet to kick in**

By KEVIN COLEMAN

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NAPLES — In an instant, a fun day at a local pool can become a tragedy.

Nearly 300 children younger than 5 years old die in U.S. pools and spas every year. And there have been 83 cases of circulation entrapment such as those involving drains — 11 of them fatal — in the U.S. since 1999, according to the Consumer Product Safety Commission.

Now, the federal government is taking action to stop pool and spa entrapment.

Before 2008 ended, all public pools and spas — including most condominiums, apartments and water parks — were to have new drain covers to comply with the Virginia Graeme Baker Pool and Spa Safety Act. And all pool and spa drain covers manufactured, distributed and sold after the Dec. 19 deadline had to meet the Act's standards. Also, pools or spas with one main drain not deemed "unblockable" were to have a drain disablement capability.

A federally approved cover "creates an uneven or undulating surface so a body cannot be drawn onto the grate," said Rick Hough who works with Neptune Pools in Cape Coral. The new covers also reduce the possibility of hair or jewelry becoming tangled in the drain.

However, the federal law has largely been unenforced, leaving American families prone to disaster during the hot summer months as trips to the pool became commonplace.

The Pool and Spa Safety Act was to be carried out by a small federal agency, the Consumer Product Safety Commission. But the agency just received funding this spring and is still putting together its enforcement program.

And Lee and Collier County Health Departments, which perform at least two state mandated inspections a year on public pools, cannot enforce the federal law.

"The Health Department is not required to enforce the Virginia Graeme Baker Act," said Jennifer James-Mesloh, Lee County Health Department's Public Information Officer. She explained that the agency is noting violations, which informs owners they are breaking the federal law, but it is not issuing any type of punishment.

Many area pool owners have some work to do. Sixty-five percent of permitted pools in Lee County were compliant as of July 15, according to a Lee County Health Department report.

And that has some in the community worried.

“The way most people are going to get caught, sadly, is someone is going to get injured or end up dead,” said Bill Wood, Aquatics Supervisor for the Bonita Springs Community Pool.

Lee and Collier parks and recreation departments have met their responsibility to keep area children safe. But complying with the law has not been cheap.

Collier County Parks & Recreation spent \$19,750 last year to retrofit 54 drains in three locations with new drain covers. The Bonita Springs Community Pool spent about \$1,000 retrofitting two drain covers last year to comply with the law.

Naples Pool Service co-owner and operator Pete Roeser says a simple drain cover replacement averages \$300 including labor. However, Roeser estimates the cost can be in the thousands if the pool needs to comply with the law's drain disablement requirement.

Soon, public pool owners will have additional safety laws to comply with. Florida's pool laws have been revised to include several Nov. 20 deadlines.

One states that all public pools with direct suction main drains must install a Virginia Graeme Baker Act-compliant grate before Nov. 20. If owners do not meet the deadline, the pool will be shut down, according to Ken Rech, the Environmental Health Director of the Collier County Health Department.

“The state will take enforcement action,” Rech said.

All public Florida pools and spas, since 1979 and 1993 respectively, have been required to have gravity-fed rather than direct suction-fed drains, which reduces the water flow rate from 6 feet per second to 1 1/2 feet per second.

Florida has no reported incidents of entrapment in gravity fed pools.

The state law also requires pools less than 4 feet deep — mainly spas — that are direct suction to include a collector tank by May 24. All other swimming pools without collector tanks must install them by July 1, 2013.

“They’ve now made the Florida law more stringent than the Virginia Graeme Baker Act,” said James-Mesloh.

At the end of July, the Lee County Health Department will send notices of the additional regulations to public pool and spa owners with permits in the county.

But not everyone is happy about the additional government oversight.

"I've got kids and I don't want to have anyone drown, said Roeser, explaining that he generally agrees with the pool safety movement.

But he also expressed frustration with the new laws.

"I don't know if the numbers bear out the scrutiny or the cost of compliance that's being forced on the public ... They're not relying on personal responsibility."

Virginia Graeme Baker, granddaughter of former Secretary of State James Baker, was 7 when she drowned at a friend's graduation party in McLean, Va., in 2002 after being caught in the spa's drain. On July 8 on the east coast, Miguel Marin, 5, was rescued from his family's Pembroke Pines spa after his arm became stuck in the drain. He recovered from his near-drowning.

